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# Leaked Secret Natural Resources Defense Council Memo Disses Science: "How do we get the FDA to ban Bisphenol A when the evidence is against us?"

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***In my work as a genetics, health and environmental researcher, I'm sent all kinds of curious documents over the web transom. Over the weekend, I received the memo below***



***addressed to "NRDC campaign staff." It bears the initials of JS, which I believe is [Jennifer Sass](#), senior scientist for the [Natural Resources Defense Council](#), whose central focus is to get chemicals banned that the NRDC believes are harmful, including many chemicals that government and independent researchers have determined are perfectly safe and for which untested substitutes would almost certainly be more harmful. I believe this memo is of particular import considering the release last***

***week of a [study](#) sponsored by the Silent Spring Institute, an anti-chemical advocacy group like the NRDC, which underscores this kind of thinking, suggesting that many common personal care and cleaning products are chemical time bombs.***

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March 9, 2012

TO: NRDC campaign staff

FROM: JS

RE: Anti-BPA/chemical media/science Action Plan

We at the [NRDC](#) face a major challenge. March 31, 2012 is a D-Day of sorts for us. On that date, the Food and Drug Administration (FDA) is required by [court order](#) to rule on our "[Citizens Petition](#)," filed in 2008, which demanded that the agency ban the use of BPA in food packaging and revoke all regulations permitting its use in food additives.

At that time, the filing was a Hail Mary. The chemical industry, of course, was apoplectic and mocking. They argued we were playing politics and regulators should wait until the research was more definitive before acting. They argued that banning BPA might mean untested substitutes would be substituted for BPA, which at that point couldn't be shown to be dangerous. Typical industry obfuscation. This is a crisis. Science takes time, but we can't wait for the plodding pace of empirical science.

At first, we were willing to be patient. Although there were no definitive studies showing BPA was harmful, we were confident, with so much research in the pipeline, that it would just be a matter of time. As you recall, Obama had recently been elected. We teamed with other anti-chemical groups like the [Environmental Working Group](#) and lobbied hard to convince the new administration, as part of the stimulus package, to embarrass the administration into authorizing more than \$30 million to study BPA's impact, even though there have been more than \$1 billion in studies to date. But there were problems with those other studies. Time and again, when the totality of the evidence was reviewed, BPA was exonerated. But we believe there are new cases to be made against it.

Well, four years later, despite furious efforts by industry, the courts have ruled that the FDA has to make a decision on our petition. But now we face an unexpected dilemma. The well-known axiom, "Be careful what you wish for," comes to mind. The science continues to run against us.

Here's our problem. There have been at least a half dozen comprehensive studies and reviews of BPA released since 2008. It's all gone terribly, terribly wrong. Things couldn't be worse. Despite our greatest hopes, the overwhelming fact that emerges from these comprehensive reviews is that BPA is not harmful.

It's difficult to admit this, but as we face a tough battle ahead, we need to be honest, at least among ourselves: [No independent panel of regulatory scientists](#) in the world recommends restricting BPA based on evidence that it causes harm to humans at typical exposure levels. Over the past two years alone, five prominent international regulatory agencies or toxicology organizations— [USFDA](#), [European Food Safety Authority](#), [World Health Organization](#), [German Society of Toxicology](#) and [Japan's Research Institute of Science for Safety and Sustainability](#)—individually have reviewed thousands of BPA studies by government, university and industry. They've all consistently concluded that BPA is not harmful as used. The Germany study was particularly definitive. It concluded: "T]he available evidence indicates that BPA exposure represents no noteworthy risk to the health of the human population, including newborns and babies." It was a blow, yes. Children are not threatened by using the myriad range of shatterproof plastics or by consuming food and beverages that use epoxy safety liners. The public is not in danger. Out talking points have been decimated. The situation couldn't be direr.

The findings are disappointing, but we can't be discouraged. You can't trust regulators. They have to be manipulating the data and coordinating their message. We know that they are in the pocket of industry. Australia, Europe, Japan, their regulatory agencies found BPA safe. In the US too, the FDA, EPA, NIH, CDC...yes, they may be headed by Obama appointees, but their staffs are filled by industry ideologues. The political pressure to capitulate in the name of the almighty dollar is intense.

I'm livid thinking back to the January 2010 news conference on the FDA's decision whether to institute a ban on BPA. Obama was in office. We had worked the corridors in [Washington](#) hard before that decision. To be frank, I was sure the FDA was on our side. We have many friends there. I was floored when Joshua Sharfstein, M.D., then the agency's principal deputy commissioner, released the [second FDA review of BPA in two years](#), and then [announced](#): "The FDA does support the use of bottles with BPA because the benefit of nutrition outweighs the potential risk of BPA," he said. He said BPA was "not proven to harm children and adults. ... If we thought it was unsafe, we would be taking strong regulatory action."



My stomach still turns. It was a wake up call to all of us. Yes, we can depend on the press to follow our lead. Yes, we can find a way to savage every new study that shows, yet again, that BPA is not harmful as used—we can just cite friendly studies in which rodents are exposed to levels thousands or hundreds of thousands of times higher than what humans face. But the regulators have been a challenge. They can ruin everything we've worked for.

Bottom line: we can no longer trust government-funded research and regulatory reviews. We have to take back the evaluation process to the people. To counter the massive international industry-funded disinformation campaign that has corrupted the regulatory process, we have to redouble our political and public relations efforts. I'm recommending a two-pronged strategy going forward.

### **(1) Guerilla anti-BPA Studies**

We've gotten a tremendous amount of free publicity for our anti-chemical crusade by promoting studies that indicate that BPA shows up in the urine of more than 90 percent of people. Our own Sara Janssen may not have much scientific background on the issue, but the media doesn't know that, and she got a lot of play when [she argued](#), "[T]he fetus is being exposed to a toxic form of BPA during extremely vulnerable periods of development." But is that accurate? It's always good to play the baby card. The press hysteria is a given.

But we have a problem here too. The latest research, co-sponsored by the FDA and the Centers for Disease Control and Prevention and published in [Toxicological Sciences](#), directly contradicts the urine-in-BPA-is-dangerous thesis. Rather than studying animals and speculating about effects on humans—that's how we've gotten traction on our anti-BPA campaign—researchers reviewed the health of human volunteers exposed to high levels of BPA by eating canned food and beverages from plastic bottles. The BPA exposure was way more than kids or adults would ever ingest, so we were certain the results would back up our rodent studies.

Simply said, the results were a disaster for our cause. Justin Teeguarden, senior scientist with the Pacific Northwest National Laboratory and his team of government-funded researchers concluded that human exposure to chemically active BPA is extremely low, virtually unmeasurable in almost all cases, and it's highly unlikely that the chemical could cause health effects in humans as it is efficiently metabolized and excreted.

Richard Sharpe, head of the Centre for Reproductive Biology at the Medical Research Institute in Edinburgh, and known as one of prominent and respected BPA experts in the world, [called the study](#) "classic...majestically scientific and cautious." That was infuriating. Sharpe is a turncoat. A few years ago, he was convinced BPA was harmful. Now after a slew of new studies, he reverses his position. He's a turncoat, and very damaging to our cause.

"It means that the majority of effects observed in animal studies are probably not relevant to humans," he has commented. His take-home message: BPA is highly unlikely to induce any effects in humans because we simply are not normally exposed to anywhere near enough BPA to cause such effects."

We just can't seem to catch a break these days. One by one our central contentions about the dangers of BPA—it's carcinogenic, it's mutagenic, it's an endocrine disruptor—have crashed in the face of increasingly more robust studies.

With this terrible turn of events, we have to aggressively promote our network of anti-BPA university researchers who have done small-scale research. They're not doing the kind of extensive studies that regulators depend upon. And yes, their research is problematic. Almost all of their studies have involved injecting rats with BPA, rather than feeding it to them, as humans ingest the stuff. Scientists now know that humans metabolize almost all of the infinitesimally small amounts of BPA ingested within 24 hours, which renders it harmless. The [CDC makes that point](#) in its review of BPA. But the science goes over the head of most of the media, so we're pretty safe here. Just keep hammering home the fact that BPA is found in more than 90 percent of the urine of Americans, even that it's not active nor has any known health impact.

“ (Note to Sarah Janssen: Talk to your friendly contacts at FDA/EPA/Pacific Northwest National Laboratory/CDC and see if you can get those reports that show that BPA is rendered harmless removed from their websites; it could causing us major trouble).

## (2) Endocrine Disruption Media Strategy

We have another trump card. We need to laser focused on our “endocrine disruption” argument. Despite what we've been reporting, researchers generally agree BPA is neither mutagenic nor carcinogenic to humans, so we have to center are argument on what can be disproven—the scattered rat studies that suggest that on occasion BPA causes hormonal changes in rodents—the endocrine disruption argument.

We've been successful going down this road before. When we first filed our petition, we based our filing on the [2008 report by the National Toxicology Program](#) on BPA. It too examined the endocrine disruption hypothesis, but didn't find much there. The NTP concluded that BPA had “negligible concern that exposure of pregnant women to bisphenol A



will result in fetal or neonatal mortality, birth defects, or reduced weight and growth in their offspring” and that BPA posed “negligible” or “minimal” concern for effects on the mammary gland and early puberty for fetuses, infants or pregnant women or their offspring.

We were flummoxed for a time, but then looked closely at some of the rat studies. Reviewing experiments in which rodents were given 1000 to 10,000 times the amount of BPA that humans are exposed to, there was evidence of estrogenic effects. It worked. It's a made for the Internet argument. It's ill defined. Even the government doesn't know what endocrine disruption means. Tofu, many nuts, wheat and lots of other foods also have estrogenic effects, and birth control pills are thousands of times more impactful than microscopic particles of any chemical, including BPA. But it sounds frightening when these slight changes are linked to a chemical. The media bought this scare line and didn't interview the actual researchers.



Would humans be similarly affected, since we ingest BPA, we're not injected with it at such high levels? A few years ago that was an open question, but here again, the science has turned against us. There is now a growing consensus of scientists convinced that the endocrine disruptor hypothesis and its link to BPA has is now scientifically dead.

"BPA has estrogenic properties" but that does not imply a health risk," writes David Coggon, Chairman of the Committee on Toxicity in the UK, in the [UK Food Safety Authority's Bite magazine](#). "As with all chemicals, risk depends on the extent to which a person is exposed. ... The ban on BPA in baby-feed bottles is not based on scientific evidence of harm or even on a strong suspicion that it could be harmful." Sharpe's weighed in on this too. He is actually [arguing to cut off wasteful funding of studies](#) trying to prove that BPA is an endocrine disruptor, claiming that wastes precious and limited research dollars. Is he that week willed that he buckles after new research comes in?

Frankly, we've learned that what independent scientists conclude doesn't matter when the media is on our side. Most journalists just can't follow toxicological science and don't know anything about chemical risk assessment. Last week was a great week for us. Did you see the coverage of the study by the [Silent Spring Institute](#)? They're an anti-chemical group like us. It looked at 213 consumer personal care and cleaning products and identified 66 chemicals—everything from cosmetics to cleaners to sunscreens, from phthalates to BPA—categorizing them as "endocrine disruptors" or "asthma-related."

Frankly, I was taken aback when I reviewed the study. The results weren't much, from a science perspective. What took me by surprise was that the study, published in [Environmental Health Perspectives](#), didn't provide any evidence that any of the chemicals cause any harm. It documented only the mere presence of chemicals—then characterized them as the "hidden dangers in everyday products," as one [Forbes contributor](#) compliantly headlined.

I thought the media would be all over the study, it was so thin. All substances, including many common foods, are toxic but most cause no harm at typical exposure levels; their potential for harm is based upon how much of it we are exposed to and over how long. There was no pretense of even trying to prove any of these chemicals actually pose a health risk at these low levels of exposure. But the media came through again. Silent Spring framed the issue by saying they were reviewing "unlabeled chemicals of concern," and reporters carried the water the rest of the way. It was stupendous to watch the hysteria this study generated. This campaign provides a blueprint for us in the weeks and months ahead.

“ [Note to media department: Coordinate with [Fenton Communications](#) and Environmental Working Group on this. Feed to the *Milwaukee Journal-Sentinel*; they'll write anything we send out, almost verbatim. *Mother Jones* and *Grist* are locks; it's kiddie city over there, they don't have anyone who has a clue about risk assessment. And make sure every news release mentions "pregnant women" and "infants". We've studied these key words to death. Bloggers and the web go crazy.

We have a small window of opportunity here. The science to date says BPA is safe but we have the upper hand from a public perception point of view. The FDA is sure to take know. The next few weeks are key. The last thing we want to do is wait until the next round of BPA studies come out later this year or next because they are sure to go against us, and even our closest supporters might jump off the anti-BPA bandwagon. It could get ugly. It could be a disaster for us. If we let sound science and an independent regulatory system decide the issue, organizations like the NRDC are doomed. The next few weeks and months are our time. We have to let the world know. Chemicals kill. Industry kills. BPA kills.

Now go out and win this war.

***Is this memo the authentic? Does it reflect the NRDC's inner thinking on chemicals in general and BPA in particular? That's two separate questions. As to the first, I suspect 'no.' Sadly, as to the second, I would say it's closer to the truth than anyone at the NRDC would ever admit.***

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